IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 7665 of 2007(K)

PETITIONER:

ALL KERALA TAXI DRIVERS UNION
(INDEPENDENT), THALASSERY UNIT REPRESENTED BY ITS SECRETARY P.E.PREM RAJ, S/O.KUNHIRAMAN, AGED 50 YEARS, DRIVER, RESIDING AT 'NIMISHA NIVAS', NEAR GOVERNMENT BRENNAN COLLEGE, DHARMADAM P.O., THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.R.SURENDRAN

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SUPERINTENDENT OF POLICE, KANNUR.

3. DEPUTY SUPERINTENDENT OF POLICE, THALASSERY, KANNUR DISTRICT.

4. THE CIRCLE INSPECTOR OF POLICE, THALASSERY, KANNUR DISTRICT.

5. SUB INSPECTOR OF POLICE, THALASSERY POLICE STATION, THALASSERY, KANNUR DISTRICT.

6. A.K.BALAN, DRIVER, RESIDING AT 'SAVI NIVAS', P.O. UMMANCHIRA, THALASSERY, KANNUR DISTRICT.

R6 BY ADV. SRI.P.V.SURENDRANATH
SRI.P.V.DIPU
R1 TO 5 BY GP SHRI P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.7665/2007 - APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 - TRUE COPY OF JUDGMENT DATED 16.7.90 IN O.P.NO.4804/90

EXT.P2 - TRUE COPY OF MINUTE'S BOOK OF THE SOCIETY FOR THE PERIOD FROM 2.6.2006 TO 1.2.2007 (PAGE NO.30 TO 40) OF PETITIONER SOCIETY.

EXT.P3 - TRUE COPY OF RESIGNATION LETTER DT. 7.6.2006 GIVEN BY SIXTH RESPONDENT.

EXT.P4 - TRUE COPY OF COMPLAINT FILED BY THE PETITIONER SOCIETY BEFORE THE FIFTH RESPONDENT ON 2.2.2007.

EXT.P5 - TRUE COPY OF POSTAL RECEIPT DATED 27.1.2007.

RESPONDENTS' EXHIBITS:

EXT.R6(a)- TRUE COPY OF LATEST TELEPHONE BILL DATED 5.2.2007 REMITTED ON 26.2.2007.

EXT.R6(b)- TRUE COPY OF ELECTRICITY BILL DATED 20.1.2007 REMITTED ON 12.2.2007

EXT.R6(c)- TRUE COPY OF WRITTEN COMPLAINT SUBMITTED BEFORE THE SUB INSPECTOR OF POLICE, THALASSERY AS SECRETARY OF THE SOCIETY/UNION ON 27.1.2007.

EXT.R6(d)- TRUE COPY OF MINUTES OF GENERAL BODY MEETING DT. 2.2.2007.

EXT.R6(e)- TRUE COPY OF COMPLAINT SUBMITTED BEFORE THE CI OF POLICE, THALASSERY DT. 18.3.2007.

(TRUE COPY)

vaa PS TO JUDGE

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No. 7665 of 2007 K

Dated this the 2nd day of April, 2007

Judgment

Koshy, J.

This is a petition for police protection. It is the case of the petitioner that sixth respondent was the Secretary of the Kerala Taxi Drivers' Union who was ousted from membership, that petitioner was elected as the Secretary of the Union, that sixth respondent has unauthorisedly locked the telephone booth and he also made up a false minutes book and convened a meeting to elect himself as the Secretary and police protection should be granted to run the telephone booth so that all members can have access to get the benefit of the telephone booth. Contention of the sixth respondent is that he is the duly elected Secretary. He also submits that all members of the taxi drivers' union can use the telephone booth so that work will be given and allegations stated by the petitioner are denied. Whether petitioner or sixth respondent is the duly elected Secretary has to be decided by proceedings elsewhere as under article 226 of the Constitution of India, we are

not going to decide disputed questions. However, we note that the telephone booth should be made available for use of all the members and police should see that all members of the taxi drivers union have access to the telephone booth and it is not blocked so that it can be used by all members.

With that direction, this writ petition is disposed of.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No.7665/2007 K

Judgment

Dated:2nd April, 2007